

Message Text

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ORIGIN EB-06

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DRAFTED BY EB/OA/AVP:JSGRAVATT:L/OES:JCROOK:JO

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FM SECSTATE WASHDC

TO AMCONSUL MONTREAL IMMEDIATE

UNCLAS STATE 244197

E.O. 11652: N/A

TAGS: EAIR, ICAO

SUBJECT: ICAO - U.S. REPLY TO ICAO LETTER AN 1/56-74/12
OF FEBRUARY 4, 1974

REF : MONTREAL 1725

FOR USREP ICAO

1. IGIA 17/4.21A HAS NOW BEEN APPROVED EXCEPT THAT
DRAFT LETTER TO ICAO SHOULD CONTAIN THE FOLLOWING
ADDITIONAL CLAUSE AT THE END OF THE SECOND SENTENCE:

"EXCEPT THAT 3.1.9-SONIC BOOM SHOULD BE CHANGED TO
READ 'AN AIRCRAFT WHEN OPERATING OVER THE HIGH SEAS
ADJACENT TO THE TERRITORY OF A STATE WHICH HAS
DECIDED AND DULY PUBLISHED ITS DECISION TO PROTECT
ITS TERRITORY FROM ADVERSE EFFECTS OF SONIC BOOM
SHALL NOT BE FLOWN IN A MANNER THAT WILL CAUSE
SUCH ADVERSE EFFECTS'."

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2. SHOULD THE ALTERNATIVE DESCRIBED IN APPENDIX A

TO THE ICAO LETTER BE ADOPTED BY ICAO, US REP SHOULD URGE THAT COMPARABLE AMENDMENTS BE MADE TO THE PROPOSED NEW PARA 3.3 OF CHAPTER 3, ANNEX 6, PART I AND PROPOSED NEW PARA 3.2 OF CHAPTER 3, ANNEX 6, PART II.

3. FYI: AMENDMENTS TO PARA 3.1.9 NECESSARY TO AVOID IMPLICATION THAT REGULATIONS RECOGNIZE RIGHT OF COASTAL STATES TO EXERCISE JURISDICTION OVER SONIC BOOMS ON THE HIGH SEAS. PHRASE "TO PROTECT SUCH AREA AND ITS IMMEDIATE VICINITY" IN PROPOSED TEXT OF 3.1.9 SUGGESTS THAT COASTAL STATE MAY REGULATE SONIC BOOM PRODUCING ACTIVITY ON HIGH SEAS ADJACENT TO THAT STATE'S TERRITORY. U.S. DOES NOT RECOGNIZE COMPETENCE OF COASTAL STATE TO DO SO UNDER INTERNATIONAL LAW.

4. USREP MAY SUGGEST THAT PROPOSED AMENDMENTS ARE CLARIFYING ONLY AND DO NOT CHANGE SUBSTANCE OF PARA. AMENDMENTS INTENDED TO MAKE CLEAR THAT AIRCRAFT OPERATIONS OVER HIGH SEAS SHOULD NOT INTERFERE WITH STATE PROTECTION PROGRAMS WITHIN AREAS CLEARLY SUBJECT TO STATE JURISDICTION. END FYI. INGERSOLL

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